



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 18, 1998

Ms. Belinda R. Perkins
Teacher Retirement System of Texas
1000 Red River Street
Austin, Texas 78701-2698

OR98-1956

Dear Ms. Perkins:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 117626.

The Teacher Retirement System of Texas (the "system") received a request for specific information contained in the 1997 custody proposal submitted by the Bank of New York (the "bank"). You state that the requested information may be confidential proprietary information that must be withheld under section 552.110 of the Government Code. Gov't Code § 552.305. You raise no exception to disclosure on behalf of the system. You have submitted the requested information for our review.

Since the property and privacy rights of a third party may be implicated by the release of the requested information, this office notified the bank of the request for information. *See* Gov't Code § 552.305 (permitting interested third party to submit to attorney general reasons why requested information should not be released); Open Records Decision No. 542 (1990) (determining that statutory predecessor to Gov't Code § 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in Open Records Act in certain circumstances). The bank did not respond to our notice; therefore, we cannot conclude that the requested information is excepted from disclosure. *See* Open Records Decision Nos. 639 (1996) at 4 (to prevent disclosure of commercial or financial information, party must show by specific factual or evidentiary material, not conclusory or generalized allegations, that it actually faces competition and that substantial competitive injury would likely result from disclosure), 552 (1990) at 5 (party must establish prima facie case that information is trade secret), 542 (1990) at 3. The requested information must, therefore, be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "June B. Harden". The signature is fluid and cursive, with the first name "June" and last name "Harden" clearly distinguishable.

June B. Harden
Assistant Attorney General
Open Records Division

JBH/ch

Ref.: ID# 117626

Enclosures: Submitted documents

cc: Mr. Edmon W. Bount
Executive Director
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Burlington, Vermont 05401
(w/o enclosures)